

**ASSEMBLY BILL**

**No. 439**

---

**Introduced by Assembly Member Allen**

February 15, 2013

---

An act to amend Section 2802 of the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 439, as introduced, Allen. Energy: private energy producers.

Under existing law, the Public Utilities Commission has regulatory jurisdiction over public utilities, including electrical corporations, as defined. Existing law permits a private energy producer, as defined, to generate electricity not generated from conventional sources, as defined, solely for its own use or the use of its tenants, or generating electricity to or for any electrical corporation, heat corporation, state agency, city, county, district, or an association thereof, but not the public, without becoming a public utility subject to the general jurisdiction of the commission.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2802 of the Public Utilities Code is
- 2 amended to read:
- 3 2802. "Private energy producer" includes every person,
- 4 corporation, city, county, district, and public agency of the state

1 generating or producing electricity not generated from conventional  
2 sources or natural gas for energy either directly or as a byproduct  
3 solely for ~~his or~~ its own use or the use of ~~his or~~ its tenants; or  
4 generating or producing electricity, or owning the means thereof,  
5 to or for any electrical corporation, heat corporation, state agency,  
6 city, county, district, or an association thereof, but not to or for the  
7 public for any other purpose. Notwithstanding any other ~~provision~~  
8 ~~of~~ law, a private energy producer shall not be found to be a public  
9 utility subject to the general jurisdiction of the commission solely  
10 because of conducting any activity authorized by this chapter.